

BADER AL SAUD V. DR. ROBERT J. CORBETT, JR., Acting Commissioner, Massachusetts
Office of the Commissioner of Probation, et al

ADDENDUM A

The Superior Court's determination that the Petitioner violated the terms and conditions of probation violated the due process clause of the Fourteenth Amendment. The Petitioner was entitled to receive clear notice and guidance of the conditions of his probation. However, he did not receive the requisite clear guidance of how to comply prior to or upon his detention by U.S. Immigration and Customs Enforcement ("ICE") and immediate voluntary departure from the United States in lieu of forced deportation. Specifically, the Petitioner served his sentence, was paroled, was immediately taken into ICE custody pursuant to a detainer, and voluntarily departed from the United States in ICE custody as opposed to being deported. The only choice the Petitioner had was whether he would be deported or allowed to voluntarily depart. He was not allowed the choice of remaining in the United States and serving out his probation.